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7-16-02
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SAMMI D. WRIGHT,

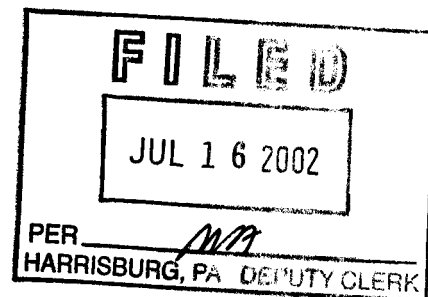
Plaintiff

v.

**BEULAH HADRICK, CHARLEEN
SAZBO, SCOTT SHREVE and
RAY KENT,**

Defendants

CIVIL NO.1:CV-00-1657



ORDER

On July 10, 2002, a conference call was held in the captioned matter to discuss problems associated with a claim by the government of a potential conflict of interest between deposition videographer Anthony Marceca and counsel for Plaintiff. Also during the July 10, 2002 conference call, counsel for Plaintiff requested a ruling to an objection by the assistant United States attorney at Plaintiff's deposition. The assistant United States attorney objected to Plaintiff's counsel's inquiries into incidents that happened at Plaintiff's place of employment after the complaint was filed. (Trans. of Sammi Wright Dep. at p. 52.)

Federal Rule of Civil Procedure provides, "No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel or is financially interested in the action." Based on the information proffered to the court at the conference, Mr. Marceca does not appear to fit into any category for preclusion.

The objection by the government to counsel's exploration of defendants' conduct following the filing of the captioned case may be too restrictive.

Counsel's exploration may support a continuing course of conduct by Defendants that might support an amended pleading. Plaintiff will be permitted to explore Defendants' conduct for this purpose. Should any of the elicited testimony be deemed by opposing counsel as inadmissible, a motion *in limine* can be filed at the appropriate time to preclude said evidence.

IT IS SO ORDERED.



SYLVIA H. RAMBO
United States District Judge

Dated: July 16, 2002.